



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,497	04/21/2004	Marcel Naas	741439-13	4289
22204 7590 05/21/2008 NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128				
EXAMINER				
MERCHANT, SHAHID R				
ART UNIT		PAPER NUMBER		
3692				
MAIL DATE		DELIVERY MODE		
05/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 24, 2008 have been fully considered but they are not persuasive. Applicant argues that Eurex does not describe a securities pooling and allocation unit that allocates an individual security based upon a class of security indicated during an investigation. Examiner disagrees. Examiner has provided many examples of investigating classes of securities to determine individual securities in References U, Y and W. First, Reference U on page 3 (Direct and Rapid Participation) describes Eurex Repo focusing primarily on German government securities. One skilled in the art would realize that this would be a class of securities. Next, in the figure on page 3, the first two listings show 2 individual German securities. Also shown are individual Spanish, French and Belgium securities. Next, Reference W further describes an equity repo basket consisting of securities like ABB, Credit Suisse Group, UBS and Nestle. Also, a General Collateral basket consisting of German Jumbo Pfandbrief issues is also accepted as collateral for repo auctions. Finally, Reference Y has a screen shot on page 3 of various individual securities available for trading that make up a particular basket.

Regarding the issue of investigating a security basket definition, it is *inherent* in the disclosure that Eurex performs an investigation, so it knows to put certain securities like ABB, Credit Suisse Group, UBS and Nestle into the equity repo basket as compared to putting into the General Collateral basket as discussed in Reference W.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAHID R. MERCHANT whose telephone number is (571)270-1360. The examiner can normally be reached on First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz P. Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRM

/Kambiz Abdi/
Supervisory Patent Examiner, Art
Unit 3692